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Report of the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas*

Chair-Rapporteur: Nardi Suxo Iturry

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I. Introduction

1. The open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas was established by the Human Rights Council in its resolution 21/19. The working group has a mandate to negotiate, finalize and submit, to the Council, a draft declaration on the rights of peasants and other people working in rural areas. In its resolution 30/13 of 1 October 2015, the Council decided that the working group would hold its next two annual sessions for five working days each before the thirty-sixth session of the Council. The working group held its third session from 17 to 20 May 2016.

2. The third session was opened by Jyoti Sanghera, on behalf of the United Nations High Commissioner for Human Rights. Ms. Sanghera noted the recent conclusion of the global climate agreement adopted in Paris in 2015, and the adoption of the 2030 Agenda for Sustainable Development. She emphasized the importance of building food systems that moved away from fossil fuels and were resilient to extreme climate conditions, and noted the relevance of several Sustainable Development Goals and targets for peasants and other people working in rural areas. Ms. Sanghera recalled normative developments in other United Nations bodies, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which had been endorsed by the Committee on World Food Security in 2012. She expressed the view that the working group could guide the international community by contributing to the development of a set of specific human rights protections to address the vulnerabilities faced by those working in rural areas.

II. Organization of the session

A. Election of the Chair-Rapporteur

3. At its third session, the working group elected Nardi Suxo Iturry (Plurinational State of Bolivia) as its Chair-Rapporteur, on the nomination of Latin American and Caribbean States, represented by Honduras.

B. Attendance

4. Representatives of the following States Members of the United Nations attended the third session of the working group: Algeria, Argentina, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Malaysia, Mexico, Morocco, Mozambique, Myanmar, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Zambia.

5. The following non-Member States were represented as observers: Holy See and Palestine.

6. The following intergovernmental organizations were represented at the meeting of the working group: European Union, Food and Agriculture Organization of the United Nations (FAO) and South Centre.

7. The following non-governmental organizations were represented: American Anthropological Association; Stiftung Brot fuer Alle; Centre Europe-tiers monde; Centro de Estudios Legales y Sociales; Comité français pour la solidarité internationale; Foodfirst Information and Action Network (FIAN International); International Federation of Rural Adult Catholic Movements; Programme on Women's Economic, Social and Cultural Rights; Réseau international des droits humains; Social Service Agency of the Protestant Church in Germany; Third World Network; Quaker United Nations Office; United Villages; and International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association.

C. Documentation

8. The working group was provided with the new text of the draft declaration (A/HRC/WG.15/3/2), as well as the following documents:

(a) Resolution 30/13 on the promotion and protection of the human rights of peasants and other people working in rural areas;

(b) Report of the open-ended intergovernmental working group on the draft United Nations declaration on the rights of peasants and other people working in rural areas (A/HRC/30/55).

D. Adoption of the agenda and organization of work

9. The Chair thanked the members of the working group for her election and reminded participants of the mandate of the working group. She indicated that the draft declaration had been translated into all the official languages of the United Nations and made available in advance, and that she intended to facilitate the negotiations in an open, transparent and participatory manner.

10. The Chair explained the modalities of the debate, and noted that the main objective of the session was to gather views on the draft so as to prepare a revised draft for the fourth session.

E. Video statement by José Graziano da Silva

11. José Graziano da Silva, Director General of FAO, shared his view that the declaration would help to maintain attention on food security, nutrition and sustainable food systems. Mr. Graziano noted that the declaration bore close links to several principles and guidelines adopted by the Committee on World Food Security and FAO bodies. He stated that it was important to ensure coherence with existing normative instruments, and to avoid renegotiating issues on which agreement had been reached over many years. He invited the working group to seek to achieve consensus.

F. Summary of the previous two sessions and next steps

12. The Chair recalled the developments that had taken place during the previous two sessions and described the different meetings she had held with various stakeholders since the end of the second session, as conveyed during the informal consultation that had taken place on 27 April 2016.

13. The Chair stated that the second reading of the draft declaration would take place by blocks of articles. She asked participants to provide specific wording, if possible, in order to help improve the text.

III. Panel discussion on the content of the draft declaration

14. Sue Longley (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association) stated that the declaration should accurately reflect the composition of the rural workforce. The specific concerns of waged workers, who did not own or rent the land they worked on, must be addressed. Ms. Longley maintained that one of the main challenges facing rural workers was with regard to freedom of association, recognized as early as 1921 in the Right of Association (Agriculture) Convention, 1921 (No. 11) of the International Labour Organization (ILO). Although that Convention had been widely ratified, agricultural workers did not have access to the protection of labour laws that was enjoyed by other workers. Ms. Longley expressed the view that the declaration reflected some of the ILO conventions covering rural workers, in particular articles 11, 15 and 16, but she thought that the Declaration could be reinforced with regard to wages (ILO Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)), migrant workers and the social protection floor. She welcomed the paragraph on the right to work free from harassment. The declaration should also address the issue of forced and bonded labour.

15. Sofia Monsalve (FIAN International) stated that the declaration should address normative gaps in the protection of the human rights of peasants and other people working in rural areas, and reaffirm both individual and collective rights. In her view, normative gaps were most apparent in relation to the rights to land, seeds, and water for livelihoods. While the human right to land had largely been developed with regard to the rights of indigenous peoples, there was no similar protection for other vulnerable rural communities for whom access to land was equally essential to their survival. Similarly, although the rights to seeds and agricultural biodiversity had been developed in the Convention on Biological Diversity and in the International Treaty on Plant Genetic Resources for Food and Agriculture, the recognition of a human right to seeds would go further than those two frameworks in highlighting the relationship between human rights and nature and the importance of land and seeds for human dignity. The declaration should recognize community-based and customary water rights.

16. Elizabeth Mpofu (La Via Campesina (LVC)) said that displacement, criminalization and discrimination affecting peasants had increased significantly. Such violations were led mainly by capitalist interests and transnational companies. The declaration could provide a new tool for farmers to defend their lives and their land. She stated that the declaration should reflect the radical demands of LVC in defence of the rights to life, an adequate standard of living, land and territory, seeds, information, justice and equality between men and women. The current wording of articles 4, 6, 8-10, 12-13, 21 and 27-30 was adequate. However, there were some articles that required further work, such as articles 1-2, 5, 16, 18, 19, 22 and 25, which should better recognize the unique link between peasants, food and natural resources and clearly include the obligations of States.

17. Sangeeta Shashikant (Third World Network) stated that the right of peasants to seeds was already recognized in article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture, and as part of the right to food. However, the rights to seeds and other propagating material were threatened by the advancement of seed certification and marketing laws and intellectual property regimes that outlawed peasant practices, such as the 1991 Act of the International Union for the Protection of New Varieties of Plants. The key issues facing peasants were the protection of traditional knowledge and equitable benefit sharing; increasing restrictions on saving, exchanging and selling protected seeds; and cases of misappropriation of seeds. Ms. Shashikant stated that existing legal instruments were clearly inadequate and implementation was weak. It was imperative that article 22 of the declaration be maintained in its entirety. She insisted on the importance of the right of peasants to sell protected seeds.

IV. General statements

18. The representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, reiterated the support of that country for the achievement of the right to food and its commitment to fight hunger and malnutrition. The need to address the economic, social and environmental challenges to sustainable agriculture, and the importance of revitalizing agriculture, including through the empowerment of small-scale farmers, were also highlighted. The statement was supported by the representatives of Ecuador, India, Indonesia and Venezuela (Bolivarian Republic of). The representative of Indonesia expressed support for a clear definition of peasants and other people working in rural areas, as well as for the inclusion of the obligations of States. The representative of India made reference to relevant national legislation protecting the rights of peasants.

19. The representative of South Africa, on behalf of the African Group, expressed support for a declaration, which was necessary to address normative gaps under international human rights law and address the historic and persistent discrimination endured by the groups concerned. The representative recalled the links between world food security and family, small-scale and traditional farming. The representatives of Egypt and Ethiopia associated themselves with the statement, with the representative of Egypt emphasizing that a special instrument was needed because peasants faced challenges such as the denial of their means of livelihood and of the ability to control their means of production and set market prices for their products.

20. The representative of the Dominican Republic, on behalf of the Community of Latin American and Caribbean States, expressed support for the elaboration of a declaration, and highlighted the centrality of policies that promoted the empowerment of women and gender equality, as well as community and family agriculture. The statement was supported by the representatives of Ecuador and Venezuela (Bolivarian Republic of). The representative of Ecuador highlighted the need to address gaps in standard setting, while the representative of the Bolivarian Republic of Venezuela mentioned relevant provisions in the constitution and legislative framework of that country that enshrined the right to the land, food sovereignty and promotion of sustainable agriculture.

21. The representative of the Netherlands, on behalf of the European Union, stated that the working group provided an opportunity to discuss how the existing international human rights framework could be used more effectively to improve the promotion and implementation of the rights of those living and working in rural areas. The European Union reserved its position on the entire text, as no new standards were needed. However, it was ready to continue its constructive engagement.

22. The representative of the United States maintained the previously stated reservations of that country regarding the draft declaration. While the United States took seriously many of the issues covered in the draft declaration, it believed that the Human Rights Council and subsidiary bodies were not the right forum to discuss many of those issues. The representative did not agree with the suggestion that some categories of individuals merited different treatment in the international human rights canon.

23. The representative of Switzerland noted that the major challenge was the implementation of existing human rights instruments but reaffirmed the support of Switzerland for a new declaration and also its openness to discussing the development of new rights, while respecting a consensus approach. The declaration should address the specific needs of women.

24. The representatives of Cuba, El Salvador and Panama expressed support for that initiative. The representative of Cuba insisted that the recognition of new rights for peasants was fundamental, as was giving more visibility and coherence to existing rights. The declaration could contribute to improving living conditions in rural areas in the long term and on a global scale.

25. The representative of China stated that the culture and development of rural areas were crucial for the development of humanity, as stressed by the Sustainable Development Goals. Countries had different conditions, considerations and agricultural policies. The relationship between the State and the market should be well managed by the State, which should promote coordinated development between urban and rural areas.

26. The representative of the Russian Federation expressed the support of that country for a gradual drafting process to achieve consensus, but expressed concern about the extension of the right of indigenous peoples to self-determination, including free, prior and informed consent, to peasants and other rural people.

27. The representative of Argentina highlighted the importance of advancing on a declaration and welcomed the inclusion of a gender perspective.

28. The representative of the Republic of Korea expressed the support of that country for the work of the working group, and expressed reservations on some rights that were in contradiction with its trade agreements.

29. The representative of the Plurinational State of Bolivia expressed the commitment of that country to the adoption of the declaration, which would fill gaps in international law, in particular in relation to the rights to seeds, land, information and cultural preservation. The representative emphasized that the contribution of peasants and other people working in rural areas to food security and food sovereignty was key to addressing the food crisis. The methods and systems of production developed by peasant communities played a central role in the conservation of biodiversity, and could become one of the principal solutions to climate change.

30. The representative of Pakistan expressed support for the right to seeds and recommended the inclusion of a reference to transfer of technology and technical cooperation in the field of agricultural research and development. The representative recommended stronger language on human rights in the context of business, the environment and the right to development.

31. Representatives of civil society welcomed the effort to use agreed language in the draft text and stated that the draft declaration covered most of their concerns (Centre Europe-tiers monde), in particular with regard to the following: (a) the rights to land, the collective use of land, seeds, protection from biopiracy, and use of their traditional knowledge (Landless Peoples' Movement and Serikat Petani Indonesia (members of LVC)); (b) the rights to the means of production and to a decent income (Mouvement

d'action paysanne (LVC member)); (c) the rights to permanent sovereignty over natural resources and to food sovereignty (World Forum of Fisher Peoples and International Federation of Rural Adult Catholic Movements); (d) the right to food and the obligation of the State to conduct land reform (FIAN Nepal); (e) the issue of forced evictions (Coordinadora Latinoamericana de Organizaciones del Campo (LVC member)); and (f) reference to the extraterritorial obligations of States (Comité français pour la solidarité internationale and Coordination Sud). Non-governmental organizations highlighted that peasants' rights issues cut across North and South (International Network of Human Rights) and that the declaration would not create new rights but rather ensure that the human rights framework adequately protected all people (Centro de Estudios Legales y Sociales).

V. Second reading of the draft declaration

32. The following account presents a summary of comments made on the text. Detailed proposals for the revision of the text are listed in annex III.

A. Articles 1 to 5

33. The representative of the European Union stated that the European Union wished to be provided with the normative sources of the text. The representative noted that the term "peasants" appeared inadequate and derogatory in English, and that "peasants" as a category were presented as a homogenous group, which raised the issue of how a consultation process could be managed.

34. The Secretariat reminded participants that the objective of the study by the Office of the United Nations High Commissioner for Human Rights would be to clarify the normative sources of the draft. The Chair agreed to circulate the draft with its footnotes.

35. The representative of Argentina made concrete proposals on articles 2 and 3, and requested clarification on the accountability mechanisms mentioned under article 2 (2).

36. The representative of FIAN International stressed the importance of extraterritorial obligations and the principle of free, prior and informed consent for peasants and rural communities.

37. The representative of Ecuador expressed support for the inclusion of extraterritorial obligations in article 2 and the inclusion of the right to food sovereignty in article 5, although more debate would be needed regarding natural resources.

38. The representative of the Russian Federation wished to see, in reference to article 5 (1), direct reference to existing State legislation. Regarding article 5 (6) (b), the proposed mechanism (free, prior and informed consent) was not clear and deletion would be preferred.

39. The representative of FAO recommended the inclusion of aquaculture in article 1 (2) and suggested wording for article 5 (1).

40. The representative of Egypt suggested amendments to articles 2, 3, 4 and 5. Regarding article 4, the representative could not accept the concept of gender identity. That view was supported by the representative of the Russian Federation. Regarding article 5, the constitution of Egypt gave sovereignty over natural resources to the people, not to a specific group.

41. The representative of the Programme on Women's Economic, Social and Cultural Rights, on behalf of South Asian Feminist Alliance for Economic, Social and Cultural

Rights, requested the inclusion of Dalits under article 1 (3) and the deletion of "that cannot be immediately guaranteed" in article 2 (1). The representative also suggested the addition of victims of natural disasters, earthquakes and fires in article 2 (3) and the inclusion of women's land rights in article 4 (1).

42. The representative of the European Union stated that article 2 (4) provided an example of how peasants were presented as a homogenous group with common interests, which was doubtful. Article 2 (6) raised the question of how States were supposed to regulate private individuals. The language of article 3 (4) on affirmative action was vague and possibly controversial. The representative made specific comments on a number of articles.

43. The representative of Argentina expressed support for the text of article 4 on gender equality. Regarding article 5 (1), the representative stated that it ran counter to the constitution of Argentina. The country reserved its position on the right to food sovereignty and requested the deletion of article 5 (6).

44. The representative of Serikat Petani Indonesia insisted that there should be more emphasis on the obligations of States. The obligation to provide assistance to those vulnerable to climate change and natural disasters needed to be reinforced. States should ensure capacity-building and support the advocacy of peasant organizations in the context of trade negotiations.

45. The representative of Brazil recommended the addition of "without disregarding specific legislation on indigenous peoples" in article 2 (4), "gender" in article 3 (3) and "when applicable" in article 5 (1).

46. The representative of China stated that article 2 should mention national legislation, and expressed agreement with the representative of Argentina on article 5 (6). The representative of China insisted that peasants' rights were individual and collective. Regarding sovereignty over natural resources, the representative emphasized the need to take national laws into consideration.

47. The representative of FIAN International clarified that accountability mechanisms were provided for in international covenants and regional organizations, and were mentioned in various general comments of the Committee on Economic, Social and Cultural Rights.

48. The representative of Cuba stated that Cuba was in favour of discussion leading to convergence on article 1. The representative highlighted the complex nature of article 5 and called for more discussion.

49. The representative of Egypt expressed the wish that the wording of article 3 (3) should be maintained. Alternatively, the word "sex" could be omitted and the word "gender" could be added.

50. The representative of the European Union requested clarification on the meaning and scope of article 5 (3) and 5 (4). The representative raised the issue of whether article 5 (6) would not be more realistic without the word "any" and raised the argument of peasants not being a homogenous group that could easily be consulted in relation to 5 (6) (b).

51. The representative of India called for adopting a holistic approach and requested clarification on accountability mechanisms. Regarding article 5, the representative questioned the added value of highlighting the obligations of States and indicated that the issue of sovereignty over natural resources should be approached with caution.

52. The representative of United Villages commented on article 2 (7) (c) and emphasized the need to put an end to speculation on foodstuffs.

53. The representative of Centre Europe-tiers monde said that the Centre endorsed the concept of extraterritorial obligations. In the context of globalization, there was a need for oversight of the activities of transnational corporations.

54. The representative of the International Indian Treaty Council expressed support for the text as it stood and called for more consistency when referring to persons, women and men. The representative did not agree with some statements by representatives of States on the lack of legal foundation for articles 1-5.

55. The representative of Serikat Petani Indonesia highlighted the importance of the right to food and related general comments.

56. The representative of the Plurinational State of Bolivia expressed support for the wording of article 1. Regarding article 5, the representative highlighted the importance of affirming the right to food sovereignty.

57. The representative of La Confédération paysanne (LVC member in France) requested that specific mention be made in article 1 of the special relationship that peasants had to the land, water and nature. That relationship was not purely economic but also social and cultural.

58. The representative of South Africa insisted on the importance of explaining what the term "peasant" entailed in a specific country or region. The representative expressed support for the need to ensure the accountability of transnational corporations in their operations, and for the principle of affirmative action in article 3 (4). The representative proposed the use of language from the International Convention on the Elimination of All Forms of Racial Discrimination. Article 5 should draw from articles 1 and 2 of the Declaration on the Right to Development. Regarding the proposal to elaborate "the right to food sovereignty", South Africa would welcome both more reflection on the internal dimension, which was elaborated in the current text, and the acknowledgement of an external dimension, namely the right of States to develop their agriculture, which was currently absent from the text.

59. The representative of the United States stated that article 1 needed clarification, considering that not all those engaged in the forms of labour described therein would define themselves as peasants. The representative made specific comments on article 2 and expressed disagreement with the notion of extraterritorial obligations. The representative raised the issue of how free, prior and informed consent could be applied to peasants and of how countries should implement article 2 (6). The representative requested clarification on the measures envisioned under 2 (7) (e), and suggested that the language on discrimination in article 3 should reflect the International Covenant on Civil and Political Rights and not refer to collective rights. The representative raised the issue of what affirmative action entailed in that context. Regarding article 4, the representative expressed satisfaction, especially about article 4 (3). The provisions in article 5 were similar to those in the United Nations Declaration on the Rights of Indigenous Peoples, but it was unclear how they could be implemented in the absence of a representative Government.

60. The representative of Ecuador recalled the spirit of the declaration and its non-binding character, and welcomed the inclusion of the principles of gender equality and non-discrimination in the text. The representative highlighted the importance of the rights to health, education and a clean environment, and recognized that more discussion would be needed on the rights to land, seeds, the means of production and biodiversity.

61. The representative of Indonesia stated that sovereignty was held by States and that article 5 should be reworded. Article 12 could be included in article 5.

B. Articles 6 to 12

62. Vandana Shiva (Navdanya network), in her video statement, welcomed the diversity captured in the definition of peasants. Ms. Shiva expressed support for the wording of the article on the right to seeds, which built on farmers' rights. She emphasized the right to land and land reform, and the right to self-determination.

63. Naela Gabr, Vice-Chair of the Committee on the Elimination of Discrimination against Women, welcomed the fact that most of the points contained in the Committee's general recommendation No. 34 had been addressed in the draft declaration, in particular the rights to land, water and seeds. Ms. Gabr regretted the omission of the negative impact of stereotypes on the image and role of people living and working in rural areas and the absence of any mention of human trafficking.

64. Ms. Gabr responded to questions from the floor on the reference, in general recommendation No. 34, to food sovereignty and the inclusion of the obligation of States to use and preserve seeds and prevent patenting, and on whether the right to breastfeed should be better addressed in the draft.

65. The representative of the Programme on Women's Economic, Social and Cultural Rights welcomed the recognition of women's unpaid work, and called on the working group to draw from the work of the Committee on the Elimination of Discrimination against Women on substantive equality.

66. The representative of the regional secretariat for West and Central Africa of LVC stated that food sovereignty was a crucial element for the region and expressed strong support for articles 5 and 6.

67. The representative of the Russian Federation requested the inclusion of a reference to national legislation in article 7 (4), and requested clarification of the reference to land and territory in article 7 (4) (b).

68. The representative of the World Alliance of Mobile Indigenous Peoples stressed the visionary nature of the declaration. Pastoralists moving from one country to another needed the right to nationality. The representative also stressed the importance of including the right to participate, the right to information, the right to legal support, and women's rights.

69. The representative of Egypt made specific comments on articles 6, 9, 10, 11 and 12. The representative requested the deletion of article 6 (2) (c), which contained a reference to informed consent and the choice of women in relation to their own bodies; the deletion of "regardless of the concept of the family" in article 6 (2) (l); and the deletion of "gender" and "gender identity" in article 6 (2) (m). Regarding articles 9, 10, 11 and 12, Egypt would like to see a reference to the necessity to respect applicable laws.

70. The representative of the European Union raised a question about whether the title referred to substantive rights, which needed clarification. The representative stated that article 6 was very long but useful, and that it was important to keep the reference to gender identity, although the European Union was uncertain whether it should be specific to rural women. The representative made detailed comments on a number of articles.

71. The representative of Argentina expressed satisfaction with how the text addressed women's rights and insisted on keeping the reference in article 6 to gender identity and various forms of families. Regarding article 7, the representative indicated a preference for the term "security of the person", rather than physical and personal security. Regarding article 8, the representative suggested maintaining only a reference to nationality and not to "legal existence", and requested clarification about the right of "combination" in article 11.

72. The representative of El Sindicato de Obreros del Campo de Andalucia (LVC member in Spain) stated that precariousness in the countryside was the result of an unfair distribution of resources and the inadequacy of the European Union Common Agricultural Policy. The representative expressed support for the declaration, which fully recognized the role of women and was based on article 14 of the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation No. 34 of the Committee on the Elimination of Discrimination against Women.

73. The representative of the Bolivarian Republic of Venezuela expressed full support for the formulation of article 6 and expressed support for the suggestion by the representative of the Russian Federation about a reference to national legislation in article 7.

74. The representative of the United Kingdom expressed full support for all comments made on behalf of the European Union. Speaking in a national capacity, the representative reiterated the long-standing position of the United Kingdom that, with the exception of the right to self-determination, it did not accept the concept of collective human rights in international law. The representative expressed the view that universality was central, and that the rights of groups could not supersede the rights of individuals within the group.

75. The representative of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association suggested that article 7 could easily be expanded to include references to human trafficking. The representative expressed support for article 11, especially its paragraphs 1 and 3. In response to concerns about the text granting rights to specific groups, the representative stated that, in many countries, rural workers did not enjoy the same protection under labour laws as that enjoyed by other workers.

76. The representative of Ecuador stated, in connection with food sovereignty, that many countries had included that principle in national legislation and their constitutions. Regarding article 6, the representative did not see the need for a distinction between substantive rights and other rights. In response to the representative of the European Union, the representative of Ecuador stated that article 9 (1), on the right to choose the place of residence, took into account immigration laws. On the issue of collective rights, the representative added that some groups, such as human rights defenders, were looking for specific protection, which did not mean that human rights were not universal.

77. The representative of the United States, speaking on the issue of collective rights, suggested the inclusion of a paragraph stating that peasants, along with all human beings, were guaranteed all human rights. The representative requested clarification on article 7 (4) and in particular on the meaning and context of depriving peasants of their integrity, of forced sedentarization and of forced assimilation. Article 7 (4) (c) could run counter to freedom of expression. Article 9 raised the issue of agreed labour programmes between States. Article 10 raised the issue of whether peasants could only express their views in line with their traditions and culture. The representative stated that freedom of expression was not a collective right and that reference should be made to the International Covenant on Civil and Political Rights. Regarding article 11, more clarification was needed on the issue of participating in peaceful activities, the creation of cooperatives, and the type of support to be provided to peasant organizations. Regarding article 12, the representative stated that there was no right to participate, and demanded a reference to existing political rights.

78. The representative of Cuba acknowledged the right of association and expression in articles 10 and 11 but stressed that some constraints need to be taken into account in line with national laws.

79. The representative of the Zimbabwe Organic Smallholder Farmers Forum (LVC member) stressed the importance of rural women's rights.

80. The representative of the United Kingdom stated that there was a difference between taking measures to ensure the implementation of existing rights and the creation of new rights. The United Kingdom did not support the latter.

81. The representative of South Africa proposed changing the title of article 6 to "the rights of women working in rural areas" and suggested the inclusion of additional references to the Convention on the Elimination of All Forms of Discrimination against Women. The representative expressed support for the language that established access to land on an equal basis, and requested clarification on the scope of articles 6 to 12, which could cover not only those working but also those living in rural areas or rural dwellers.

82. The representative of FIAN Honduras stressed the importance of articles 6 to 12, considering the high levels of criminalization in the region.

83. Marc Edelman, speaking in his personal capacity, reiterated that the fact that peasants as a group were heterogeneous did not pre-empt them from finding commonalities. The common point among peasants was their reliance on land; therefore, the right to land was key. The derogatory connotation of the term "peasants" was indicative of the fact that this group had been oppressed. In his view, article 1 was therefore adequate.

84. The representative of China stated that, in mentioning substantive rights, the right to development, which covered peasants' individual and collective rights, needed to be added. In order to reach consensus, the use of unfamiliar concepts in article 6 (2) (l) and (m) should be avoided. In articles 9, 10, 11 and 12, language came from various instruments. There was a need to add "in line with applicable international and domestic laws". In article 10 and 11, rights and obligations should be balanced.

85. The representative of the World Forum of Fisher Peoples reminded participants of the criminalization of human rights defenders. The representative expressed full support for article 7 and, regarding article 9, stated that freedom of movement on rivers and seas was crucial.

86. The representative of India expressed support for the statement of the representative of China and stated that the text should consolidate all core human rights obligations and be streamlined. Regarding article 6 (2) (e) and (l), the international community had not arrived at a consensus. Fundamental rights, including association and expression, had correspondent duties, so the language should be balanced. Regarding article 11, there should be a reference to applicable laws.

87. The representative of the Plurinational State of Bolivia stated that collective rights were a way to strengthen the human rights system. Collective rights enabled the recognition of, and gave visibility to, certain groups that had suffered exclusion or were at a social, economic or political disadvantage. That approach had been adopted when granting collective rights to children, women, indigenous people, migrants, the elderly and Afro-descendants. Many countries had accepted collective rights, which represented an opportunity to make the human rights framework effective and not purely "rhetoric".

88. The representative of the Coordinadora Nacional de Oficiales en Retiro (LVC member in Nicaragua) expressed support for the wording of articles 6 to 12. Women needed to be able to make decisions regarding their own bodies, and needed access to information, credit and social security.

89. The representative of the Réseau des organisations paysannes et des producteurs agricoles de l'Afrique de l'Ouest insisted on the importance of allowing cross-border movements. The African Union had developed a policy framework for nomads and pastoralists.

90. The representative of the World Forum of Fisher Peoples (Spain) made comments regarding gender equality and expressed support for articles 6 to 12. The representative insisted on the importance, in article 8, of ensuring access to justice to avoid the abuse and killing of women.

91. The representative of the International Indian Treaty Council indicated that collective rights had originally been recognized to respond to claims from minority groups and ethnic minorities, and stated that the United Nations Declaration on the Rights of Indigenous Peoples had been widely accepted. The recognition of the collective rights of groups did not exclude individual rights. The Council had insisted on the recognition of food sovereignty as a prerequisite to the right to food, and on the article on freedom of movement. The declaration should not contain reference to national laws.

92. The representative of FIAN Nepal questioned the use of the term "persons" in article 8.

93. The representative of FIAN International clarified that the new rights under discussion were in fact implicitly part of existing rights. Making them explicit was key to responding to the new challenges of globalization, and in line with the evolutionary character of international law.

94. The representative of Réseau international des droits humains stated that the declaration should include a reference to the importance of community radios under article 10.

C. Articles 13 to 18

95. The representative of Mouvement d'action paysanne insisted on the importance of ensuring a decent income for peasants and expressed its support for article 13.

96. The representative of the Community Self-Reliance Centre (Nepal) stated that article 17 should include a reference to inclusive land reform.

97. The representative of the regional secretariat for Europe of LVC highlighted the importance of supporting the right to a decent income and proposed a number of amendments to reinforce the obligations of States under article 18.

98. The representative of the Programme on Women's Economic, Social and Cultural Rights made suggestions regarding the wording of articles 13 and 18.

99. The representative of Argentina suggested editing the last part of article 14 (1) to bring it into line with the International Covenant on Civil and Political Rights, replacing "in a manner that is consistent with human rights" with "when compatible with international human rights standards".

100. The representative of the European Union made a number of requests for clarification regarding, inter alia, articles 13 (2), 14 (3), 14 (4), 15 (2) and 16, as well as regarding article 18 (2), which seemed to ignore the reality of a free market economy.

101. The representative of Egypt called for the addition of a reference to conformity with public order and national legislation in articles 14 and 15, in particular with regard to customary forms of justice.

102. The representative of FAO suggested the inclusion of the right to access data and knowledge.

103. The representative of Sindicato de Obreros del Campo de Andalucía noted that many peasants' rights defenders had been charged with criminal acts and imprisoned, and had no access to legal recourse.

104. The representative of FIAN International insisted on the importance of access to justice. In response to comments regarding affirmative action, the representative stated that those measures were aimed at ensuring substantive equality as recognized by several national courts.

105. The representative of the United States asked for clarification on article 13 and on whether access to market information should be considered as a human right, as it could impinge on trade rules and corporate confidentiality. The representative expressed disagreement with article 13 (2)-(4), which listed new rights.

106. The representative of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association called for a reference to decent work under article 15, a reference to agroecology under article 16 or 20, and more detailed language on earnings and wages under article 18, in particular regarding wage-fixing mechanisms and collective bargaining in rural areas.

107. The representative of FIAN Belgium called for maintaining the content of article 17 and, in particular, the right to produce food in a sustainable way, and with dignity. The representative called for adopting a holistic approach to the right to food and nutrition, in the framework of food sovereignty.

108. The representative of Serikat Petani Indonesia insisted, regarding article 14, on the right to organize and form trade unions, and on the fact that States needed to respect the plurality of peasant organizations.

109. The representative of Coordinadora Latinoamericana de Organizaciones del Campo mentioned the framework law on the right to food, food security and food sovereignty adopted by the Latin American Parliament, as well as several useful FAO documents on food sovereignty. The right to food needed to include the right to produce food. The realization of individual rights depended on the collective dimension.

110. The representative of the Zimbabwe Organic Smallholder Farmers Forum appealed to African delegates to implement social safety nets, transition to agroecology and protect the right to land. Migrant workers needed to be ensured a living wage and protected by States.

D. Articles 19 to 24

111. Christophe Golay (Geneva Academy for Humanitarian Law and Human rights) reminded participants that the Human Rights Council had always considered it important to adopt a new instrument recognizing both existing and new rights to protect persons in particular situations of vulnerability. Mr. Golay noted the recognition of the right to seeds in the International Treaty on Plant Genetic Resources for Food and Agriculture, and highlighted a number of tensions between the rights of peasants to save, use, exchange and sell seeds and intellectual property rights, which needed to be debated. He stated that such rights most often protected business, which was outside of the human rights sphere. He suggested various ways of addressing that tension in the declaration and outside the human rights system.

112. Mr. Golay mentioned the importance of including extraterritorial obligations, and explained the distinction between individual rights to be exercised collectively and collective human rights, such as the right to self-determination or the proposed elements of article 19 on the right to land and natural resources relating to the commons. The representative of Centre Europe-tiers monde expressed disagreement with the proposals made for reconciling human rights and intellectual property rights and insisted that human rights must prevail.

113. The representative of Mozambique stressed the need to pay attention to rural women through special measures to ensure that they could own and inherit land and had access to bank loans.

114. The representative of the European Union made specific comments regarding, inter alia, articles 19 (1), 19 (6) and 24, and reiterated the position of the European Union against those rights as standalone rights.

115. The representative of the United States stated that the United States did not support article 19. Regarding article 20 (3), the right to be free from the adverse impacts of climate change was not recognized, and could be detrimental to ongoing climate negotiations. Regarding article 17, the representative stated that, although States might have obligations under instruments such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the issue of the disposal of hazardous chemicals within a country was a matter of domestic law.

116. The representative of LVC reiterated the support of that organization for the draft and, in particular, for the inclusion of the rights to land, seeds, access to justice, means of production and biodiversity. Those rights were key in a context marked by land grabbing.

117. The representative of the Community Self-Reliance Centre requested the inclusion of a strong reference to comprehensive land reform under article 19, with specific mention of women's rights to land, and made specific suggestions regarding the obligations of States.

118. The representative of Switzerland stated the openness of that country to including new rights in the declaration and requested that comments made in previous sessions be taken into account in the revised draft.

119. The representative of Egypt expressed recognition of the importance of articles 19-24 but expressed the wish to see those rights drafted in a balanced manner so that States could have some margin when implementing them, in line with their national agricultural policies and legislation in force. The representative suggested alternative wording for articles 19, 20, 21, 23 and 24.

120. The representative of LVC stressed the need to develop global instruments protecting the rights to seeds, lands and biodiversity, and highlighted the importance of local seed banks.

121. The representative of the Russian Federation requested the addition of "not conflicting with national legislation" in article 19.

122. The representative of Ecuador stated that the human rights system needed further improvement and development, including through the recognition of new rights. The representative insisted on the importance of addressing the issue of hazardous materials in the declaration.

123. The representative of União Nacional de Camponeses (LVC member in Mozambique) reiterated support for the draft and in particular for the right to food sovereignty.

124. The representative of the Programme on Women's Economic, Social and Cultural Rights expressed support for the rights contained in articles 19-24 and for the collective dimension of those rights, and proposed the language of "collective rights individually recognized" in order to ensure that individuals and women in particular were granted fair and equal access to resources, the commons and biodiversity.

125. The representative of the Bolivarian Republic of Venezuela stated that articles 19-24 were fundamental to guarantee peasants' rights and expressed full support for the right to

land, including land reform. The country had recently adopted a seed law that protected peasants' rights. Food sovereignty found its basis in articles 19 and 22. The representative expressed no objection to the inclusion of references to national legislation, as proposed by the representative of the Russian Federation.

126. The representative of Argentina stated that there was no precedent in international instruments for the obligations of States referred to in article 19, and proposed deleting paragraphs 1, 2, 3 and 6. The representative made specific comments regarding article 19 (5). Argentina recognized article 24 as a right for individuals only within its own jurisdiction.

127. The representative of Comité français pour la solidarité internationale expressed support for the right to seeds and, in particular, article 22 (5) and its extraterritorial dimension.

128. The representative of the United States expressed support for the statement by the representative of Argentina on article 19.

129. The representative of South Africa reminded the working group of its mandate, which was to contribute to standard setting concerning the existing protection gap. Clarifying the issue of land as a human right was part of that exercise. The representative reiterated the commitment of South Africa to agrarian reform and expressed support for further discussion on the right to seeds.

130. The representative of the regional secretariat for West and Central Africa of LVC highlighted the importance of recognizing the right to seeds as stated in article 22. Seeds used by peasants were best adaptable to climate change but were threatened by trade agreements, transnational corporations and initiatives such as DivSeek.

131. The representative of FAO expressed support for the inclusion of the right to seeds and suggested a rewording of article 22, as well as the addition of three paragraphs regarding benefit-sharing, participatory plant-breeding and locally adaptable crops.

132. The representative of the Plurinational State of Bolivia expressed support for the inclusion of article 19 on the right to land, which was recognized in the constitution of that country. The representative also expressed support for article 22, made suggestions for improvements to articles 22 (2) and 23, and highlighted the importance of article 24.

133. The representative of China emphasized that, under its law, urban land belonged to the State, while rural land belonged to peasants as a collective. References to the right to land and the use of land should include the proviso that the right should be applicable according to national laws. The representative affirmed the support of China for the use and distribution of seeds by peasants and the developing and marketing of seeds. The right to seeds in the draft declaration should refer to the guiding role of the State in the development and use of seeds.

134. The representative of Serikat Petani Indonesia called for the inclusion of strong State obligations, including extraterritorial obligations, in article 22. On the issue of the reference to national legislation, the representative stressed the importance of the role of States, not private organizations, in setting standards.

135. The representative of the World Forum of Fisher Peoples expressed support for the wording of articles 19-24 and stressed their importance for small-scale fishers.

136. The representative of FIAN Honduras stressed the collective nature of land as a resource which should not be subject to the right to private property and stressed the importance of agrarian reform.

137. The representative of Serikat Petani Indonesia stated that the right to seeds and the right to biodiversity were of utmost importance and not negotiable.

138. The representative of the World Alliance of Mobile Indigenous Peoples called for more references to pastoral lands and corridors in article 19. The representative expressed strong support for the right to the means of production outlined in article 21; called for the inclusion of animal genetic resources, including animal breeds, based on the needs of local communities, under article 22; and stressed that article 24 was essential.

139. The representative of Sindicato de Obreros del Campo de Andalucía listed the relevant international instruments in relation to article 19. The representative of the regional secretariat for Central America of LVC insisted on the crucial character of articles 19-24 and the need to have access to an instrument that provided protection against evictions. The representative of the Österreichische Berg- und KleinbäuerInnen Vereinigung (LVC member in Austria) stated that the right to land was not a new right but rather a step to support peasants in regaining their collective rights, which they had lost in the course of the previous century, and emphasized the importance of encouraging young peasants, especially in the European context, and facilitating their access to land.

140. The representative of FIAN International recalled the consensus on the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were the basis of article 19. The Guidelines provided solid ground for the need for "preferential access", which was aimed at correcting the asymmetry in access to waters between small-scale fishers and agents of industrial fishing, tourism or other large-scale industrial sectors.

141. The representative of the International Federation of Rural Adult Catholic Movements expressed support for the declaration, in particular articles 19-24, as well as the concepts of food sovereignty and agroecology.

142. The representative of Coordinadora Latinoamericana de Organizaciones del Campo called on the working group to adopt a multicultural approach to human rights and stated that it should not be a matter of adapting the declaration to national legislation but rather of determining how States should adapt their legislation to the aspirations of the declaration.

143. The representative of Centre Europe-tiers monde listed the key components of the right to land, notably agrarian reform, security of occupation, and the social function of land, which should all figure in article 19. Those elements had already been recognized at the national and international levels.

E. Articles 25 to 30 and preamble

144. The representatives of FAO, the European Union and Indonesia suggested the inclusion of the 2030 Agenda for Sustainable Development in paragraph 2 of the preamble. The representative of FAO stated that paragraph 7 should include other small-scale communities and not only fishers.

145. The representatives of Bolivia (Plurinational State of), Ecuador and Venezuela (Bolivarian Republic of) expressed support for the inclusion of food sovereignty in the preamble.

146. The representative of Brazil proposed that preambular paragraph 1 should include gender and that paragraph 10 should add "and other activities related to their work".

147. The representative of Indonesia proposed amending article 27 and made suggestions regarding the preamble.

148. The representative of the European Union noted that articles 25-28 should be brought into conformity with the relevant articles of the International Covenant on Economic, Social and Cultural Rights, namely articles 9, 12 and 13. The representative of the European Union made additional comments on the preamble.

149. The representative of the Plurinational State of Bolivia expressed support for article 29, which provided for ways to address the denial of the cultural rights of rural communities.

150. The representative of Centre Europe-tiers monde expressed support for the recognition of a right to social security, which would provide concrete protection against climate and other disasters.

151. The representative of the World Forum of Fisher Peoples expressed support for the wording of articles 27, 28 and 29.

152. The representative of FAO suggested amending article 30 (1).

153. The representative of Egypt requested clarification on the relationship between food sovereignty and the development goals in the preamble and stated that Egypt was not in favour of expanding the scope to human rights defenders. The representative made comments on articles 26, 27 and 28.

154. The representative of LVC stated the support of that organization for the reference to food sovereignty in the declaration.

155. The representative of Ecuador expressed support for article 25 and 26.

156. The representative of China suggested the deletion of the reference to human rights defenders in the preamble, adding that paragraph 15 (freedom of association) should be deleted to avoid duplication, and paragraph 12 should include the right to development.

157. The representative of the Bolivarian Republic of Venezuela expressed support for the wording of the right to social security.

158. The representative of FAO recommended the inclusion of a dedicated article on rural youth that would be entitled "Rural youth's rights and the rejuvenation of the agricultural sector", ideally after article 6.

159. The representative of Argentina made comments on articles 25 (2), 25 (4) and 30, as well as several paragraphs of the preamble. Regarding preambular paragraph 16, which contained a reference to the right of indigenous peoples to self-determination in matters relating to their internal and local affairs, the representative requested the insertion of a paragraph inspired by article 46 (1) of the United Nations Declaration on the Rights of Indigenous Peoples.

160. The representative of the United States made specific comments on the preamble, notably with regard to tenure rights and food sovereignty.

161. The representative of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association said that States should take measures to include rural workers in social protection schemes and also drew attention to the appalling state of housing on many plantations.

VI. Conclusions and recommendations of the Chair-Rapporteur

A. Conclusions

162. **At the 8th and final meeting of its third session, on 20 May 2016, the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas adopted the following conclusions, in accordance with its mandate established by the Human Rights Council in resolution 30/13:**

(a) **The working group acknowledged the constructive dialogue, broad participation and active engagement of Governments, regional and political groups, civil society, experts, intergovernmental organizations and relevant stakeholders, and took note of the inputs received from them;**

(b) **The working group noted the shared concern about the human rights situation of, and the serious challenges faced by, peasants and other persons working in rural areas, especially of those in vulnerable situations, and the need to respect, promote, protect and fulfil their human rights;**

(c) **The working group encouraged States, civil society organizations and relevant stakeholders to send written contributions regarding their views, as presented during the third session, on the draft declaration before 3 June 2016.**

B. Recommendations of the Chair-Rapporteur

163. **Following the discussions held during the meetings of the working group, the Chair-Rapporteur recommended that:**

(a) **The Chair-Rapporteur continue to hold informal consultations with Governments, regional groups and relevant stakeholders, including academia, in the intersessional period;**

(b) **The Chair-Rapporteur prepare a revised text on the basis of the discussions held during the first, second and third sessions of the working group, as well as on the basis of informal consultations, and present that text during the fourth session of the working group for consideration and further discussion, in order to finalize the text of the declaration, according to the mandate of the working group;**

(c) **The working group elect a Vice-Chair-Rapporteur.**

VII. Adoption of the report

164. At its tenth meeting, on 20 May 2016, the working group adopted the draft report on its third session and decided to entrust the Chair with its finalization.

Annex I

Agenda

1. Opening of the meeting.
2. Election of the Chair-Rapporteur.
3. Adoption of the agenda and organization of work.
4. Programme of work.
5. Adoption of the report.

Annex II

List of invited speakers

Ms. Sue Longley: The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF)

Ms. Sofia Monsalve: Food First Information and Action Network (FIAN) International

Ms. Elizabeth Mpofu: La Via Campesina

Ms. Sangeeta Shashikant: Third World Network

Ms. Naela Gabr: Vice-Chair of the Committee on the Elimination of Discrimination Against Women

Mr. Christophe Golay: Geneva Academy of International Humanitarian Law and Human Rights

Annex III

List of specific comments on the draft

Note: Text in bold indicates a proposal to add new text. Struck-through text indicates a proposal to delete text. Struck-through text immediately followed by text in bold indicates a proposal to replace the struck-through text with the bold text.

A. Articles 1 to 5

Argentina

Article 2

1. Los Estados respetarán, protegerán y harán efectivos los derechos de los campesinos y de otras personas que trabajan en las zonas rurales, **que se encuentren en su territorio y estén sujetos a su jurisdicción**, ~~tanto en su territorio como fuera de él.~~ Adoptarán las medidas legislativas, administrativas y de otro tipo que resulten apropiadas, **de conformidad con su ordenamiento jurídico interno**, para alcanzar progresivamente la plena realización de los elementos de los derechos de la presente declaración que no puedan garantizarse de forma inmediata.

2. Los Estados procederán a transformar los derechos reconocidos en la presente declaración en derechos protegidos jurídicamente y a asegurar su realización mediante mecanismos de rendición de cuentas.

~~3. Al aplicar la presente declaración, se prestará una atención particular a los derechos y las necesidades especiales de los campesinos y de otras personas que trabajan en las zonas rurales, en concreto las personas de edad, las mujeres, los jóvenes, los niños y las personas con discapacidad.~~

4. En la elaboración y aplicación de leyes y políticas, además de en otros procesos de toma de decisiones relativos a los derechos de los campesinos y de otras personas que trabajan en las zonas rurales, ~~como los acuerdos internacionales, los Estados obtendrán el consentimiento libre, previo e informado de los campesinos y de otras personas que trabajan en las zonas rurales, por conducto, por ejemplo, de las organizaciones que los representan.~~ **los Estados celebrarán consultas y cooperarán de buena fe con los campesinos y otras personas que trabajen en zonas rurales interesados por medio de sus instituciones representativas antes de adoptar y aplicar medidas legislativas o administrativas que los afecten.**

5. Los Estados elaborarán, interpretarán y aplicarán los acuerdos y las normas internacionales pertinentes en consonancia con sus obligaciones en materia de derechos humanos relativas, ~~por ejemplo, al comercio internacional, la inversión, las finanzas, la fiscalidad, la protección del medio ambiente, la cooperación para el desarrollo y la seguridad.~~

~~6. Los Estados adoptarán las medidas necesarias para garantizar que los agentes no estatales que los Estados están en condiciones de regular, por ejemplo personas y organizaciones privadas, empresas transnacionales y otras empresas, no impidan ni menoscaben el disfrute de los derechos de los campesinos y de otras personas que trabajan en las zonas rurales.~~

Article 3

4. Los Estados **se comprometen a adoptar, según corresponda,** ~~adoptarán~~ medidas de acción afirmativa para reducir o eliminar las condiciones que originan o facilitan que se perpetúe la discriminación contra los campesinos y las personas que trabajan en las zonas rurales.

Article 5

Derecho a la soberanía sobre los recursos naturales, al desarrollo y a la <u>seguridad</u> ~~soberanía~~ alimentaria

~~1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la soberanía sobre los recursos naturales presentes en su comunidad. Tendrán la autoridad para administrar y controlar sus recursos naturales y disfrutar de los beneficios de su desarrollo y conservación. Tienen derecho a decidir si permiten el acceso a los recursos naturales de su comunidad y a obtener una participación justa y equitativa en los beneficios derivados de su utilización.~~

~~2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a participar en la toma de decisiones sobre cuestiones que afecten a sus derechos, directamente o por conducto de las organizaciones que los representan, de conformidad con sus propias leyes y prácticas consuetudinarias.~~

4. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la **seguridad** ~~soberanía~~ alimentaria. La soberanía alimentaria es el derecho de los pueblos a una alimentación saludable y culturalmente apropiada, producida mediante métodos socialmente justos que tengan en cuenta consideraciones ecológicas. Implica el derecho de los pueblos a participar en la toma de decisiones y a definir sus propios sistemas de alimentación y agricultura.

5. Los Estados, en asociación con los campesinos y otras personas que trabajan en las zonas rurales y sus organizaciones, y mediante la colaboración internacional, elaborarán políticas públicas para promover la **seguridad** ~~soberanía~~ alimentaria a nivel local, nacional, regional e internacional, así como mecanismos para garantizar la coherencia con otras políticas agrícolas, económicas, sociales, culturales y de desarrollo.

~~6. Los Estados adoptarán medidas para garantizar que se permita toda forma de explotación de los recursos naturales que los campesinos y otras personas que trabajan en las zonas rurales mantengan o empleen tradicionalmente, siempre y cuando:~~

~~a) Se haya llevado a cabo una evaluación del impacto social y ambiental por parte de entidades independientes y con la capacidad técnica debida, con la participación individual y colectiva de los campesinos y de otras personas que trabajan en las zonas rurales;~~

~~b) Se haya obtenido el consentimiento libre, previo e informado de los campesinos y de otras personas que trabajan en las zonas rurales;~~

~~c) Se hayan establecido, en condiciones mutuamente acordadas, las modalidades de participación en los beneficios de esa explotación entre quienes explotan esos recursos naturales y los campesinos y otras personas que trabajan en las zonas rurales.~~

Brazil

Article 2

4. **Without disregarding specific legislation on indigenous peoples, in** the development and implementation of legislation and policies and in other decision-making processes concerning the rights of peasants and other people working inrural areas, including international agreements, States shall obtain the free, prior and informed consent of peasants and other people working in rural areas, including throughtheir representative organizations.

Article 3

3. Peasants and other people working in rural areas have the right to be free from any kind of discrimination and any incitement to discrimination in the exercise of their rights, individually or collectively, in particular to be free from discrimination based on grounds such us race, colour, descent, sex, **gender,** language, marital status, property, disability, nationality, age, political or other opinion, religion or economic, social, cultural and birth status, among others.

Article 5

1. **When applicable, p**easants and other people working in rural areas have the right to sovereignty over the natural resources present in their communities. **In this case, t**hey shall the authority to manage and control their natural resources and to enjoy the benefits of their development and conservation**, and may** have the right to decide whether to grant access to the natural resources in their communities, and to obtain fair and equitable participation in benefits arising from their utilization.

Egypt

Article 2

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas, both in their territory and extraterritorially. They shall **seek to** take legislative, administrative and other appropriate steps to achieve progressively the full realization of the elements of the rights of the present declaration that cannot be immediately guaranteed.

2. States shall **seek to** transform the rights recognized in the present declaration into ~~legal entitlements~~ **appropriate measures** and secure their realization through accountability mechanisms.

3. Particular attention ~~shall~~ **should** be paid in the implementation of the present declaration to the rights and special needs of peasants and other people working in rural areas, namely, older persons, women, youth, children and persons with disabilities.

4. In the development and implementation of legislation and policies and in other decision-making processes concerning the rights of peasants and other people working in rural areas, including international agreements, States shall **seek to** obtain the free, prior and informed consent of peasants and other people working in rural areas, including through their representative organizations.

Article 3

4. States shall take affirmative action ~~to diminish or~~ **with a view to** eliminate**ing** conditions that cause or help to perpetuate discrimination against peasants and people working in rural areas.

Article 4

3. States shall ensure that gender ~~identity~~ is not a barrier to realizing the human rights and fundamental freedoms set out in the present declaration and other international human rights instruments.

Article 5

1. Peasants and other people working in rural areas have the right to ~~sovereignty over~~ **access to** the natural resources present in their communities **in conformity with applicable legislations**. They ~~shall have the authority to manage and control~~ **may participate in managing and controlling** their natural resources and ~~to~~ enjoy**ing** the benefits of their development and conservation. They have the right to ~~decide whether to grant access to the natural resources in their communities, and to~~ obtain fair and equitable participation in benefits arising from their utilization **by them**.

2. Peasants and other people working in rural areas have the right to participate in decision-making in matters that would affect their rights, directly or through their representative organizations, in accordance with ~~their own customary laws and practices~~ **national laws in force**.

4. Peasants and other people working in rural areas have the right to ~~food sovereignty. Food sovereignty is the right of peoples to~~ healthy and culturally appropriate food produced by means of socially just and ecologically sensitive methods. It entails peoples' right to participate in decision-making and to define their own food and agriculture systems.

6. States shall take measures to ensure that any exploitation of the natural resources that peasants and other people working in rural areas traditionally hold or use is ~~permitted only on the condition that~~ **based on**:

(a) A social and environmental impact assessment ~~has been~~ **duly** conducted by independent and technically capable entities, with the individual and collective involvement of peasants and other people working in rural areas;

(b) **Constructive consultations aimed at obtaining t**The free, prior and informed consent of peasants and other people working in rural areas ~~has been obtained~~;

(c) The modalities for sharing the benefits of such exploitation between those exploiting the natural resources and the peasants and other people working in rural areas have been established on mutually agreed terms.

European Union

Article 1

Art 1.1. is there a reason why the term "anyone" is not used instead of "any woman or man". And what does this mean for the position of children, who seem to be excluded from the definition.

Art 1.2. now use of any person/unclear in relation to 1.1. This definition is actually very broad ("related occupation") and unclear.

Article 2

Art. 2.1. question on the term "extraterritorially" used here; what is meant exactly? Which rights have extraterritorial effect?

Art 2.2. given the broadness of the declaration but also the vagueness of a lot of the language, this could potentially be very far reaching.

Art 2.6. question on the "regulation of private individuals"

Art 2.7.a. needs a caveat "where applicable". Development cooperation can also be geared to rural populations, for instance.

Art 2.7.e. not completely sure what is meant here; clarification would be needed.

Article 3

Art 3.2. small rephrase to read "full enjoyment of all human rights". With this edit, this paragraph is actually broader than focusing only on dignity, equality and non-discrimination and comes close to the chapeau paragraph which we have suggested earlier, which could really help in streamlining and shortening the text.

Art 3.3. request to stop after "exercise of their rights".

Art 3.4. affirmative action as such is controversial, and the language in this paragraph is quite vague – what is expected from states exactly?

Article 4

Art 4. in general support for text as it stands. Art 4.3. could potentially be rephrased in a more positive manner.

Article 5

Art 5.1. some unclarity with this paragraph, and this is one which could be used as an example of our general comment on sources/referencing, to assess the text on the basis of its sources. It seems to not take into account the fact that some resources may very well be state assets, and we also believe that it somehow suggests that whoever grows certain foods should have control over the end user.

Art 5.3. request: "human rights, including the right to development". Although "developing" strategies also seems to imply the right to decide on human rights programming which is maybe not what drafters envisaged.

Art 5.4. clarification needed for healthy and culturally appropriate food – sources/references. Also reword into "it entails the right to".

Art 5.6. chapeau. "any" exploitation; the word "any" makes the whole para a bit unrealistic, suggest to leave it out.

5.6.a. is that truly a realistic notion, for "any" exploitation.

5.6.b. see recurring comment on "peasants" being presented as a homogenous block.

United States

Article 3

3. Peasants and other people working in rural areas have the right to be free from any kind of discrimination ~~**and any incitement to discrimination**~~ in the exercise of their rights, individually or collectively, in particular to be free from discrimination based on grounds

such as race, colour, descent, sex, language, marital status, property, disability, nationality, age, political or other opinion, religion or economic, social, cultural and birth status, among others.

Food and Agriculture Organization

Article 1

2. The present declaration applies to any person engaged in artisanal or small-scale agriculture, the raising of livestock, pastoralism, fishing, **aquaculture**, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area.

Article 5

1. […] They shall **have** the authority to manage and control their natural resources and to enjoy the benefits of their ~~development and~~ conservation, **sustainable use and management.**

Programme on Women's Economic, Social and Cultural Rights, South Asian Feminist Alliance for Economic, Social and Cultural Rights and Community Self-Reliance Centre

Article 5

6. suggested the addition of:

(d) No involuntary displacement shall take place in the name of development or for the establishment of special economic zones and commercial agriculture.

La Via Campesina

Article 1

1. suggested the addition of:

(a) Il faut reconnaître la relation spéciale entre les paysans et la terre, l'eau (les aquifères), la nature et le territoire. Cette relation n'est pas seulement économique mais aussi culturelle et sociale : l'agriculture est un mode de vie ; la paysannerie qui est pratiquée l'est, en général, sur la base de la cellule familiale et les paysans sont traditionnellement en osmose avec leur environnement local.

(b) Il faut reconnaître le fait que les paysans ont le droit à exister en fonction de leurs propres modes de vie et que le but premier des paysans n'est pas de devenir riche et d'accumuler le capital mais bien de tirer un revenu décent de leur travail pour préserver leur mode de vie.

B. Articles 6 to 12

Egypt

Article 6

1. States shall take into account the particular problems faced by peasant women and other women working in rural areas and the significant role that they play in the economic survival of their families, communities, regions and nation States, including their work in the non-monetized sectors of the economy, and shall **seek to take** all appropriate measures to ensure the application of the provisions of the present declaration to women and girls.

~~(c) The rights to autonomy, privacy, confidentiality, informed consent and choice in relation to their own bodies in all spheres of life;~~

(l) The right to be treated on the basis of the principles of equality and justice in marriage and in family relations both in law and in private, ~~regardless of the concept of the family and~~ whatever the legal system, religion, custom or tradition within the country or region;

(m) The right to be free from multiple forms of discrimination, in recognition that gender compounds other forms of discrimination based on sex, ~~gender~~, ethnic origin, disability, degree of poverty, ~~gender identity~~, migrant status, marital or family status, literacy or other grounds.

Article 9

1. Peasants and other people working in rural areas have the right to freedom of movement and residence, **in accordance with laws in force,** within the borders of the States in which they are working, as well as the right to return to their country. They have the right to choose freely their place of residence, according to law, and to leave any country, including their own.

Article 10

1. Peasants and other people working in rural areas have the right to freedom of thought, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, in accordance with traditions, ~~and~~ culture **and in conformity with law,** including through claims, petitions and mobilizations, at the local, regional, national and international levels.

3. Peasants and other people working in rural areas have the right, individually and collectively, to participate, **in accordance with law,** in peaceful activities against violations of human rights and fundamental freedoms. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present declaration.

Article 11

2. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing, **in accordance with law,** for the protection of their interests. Their organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

4. States shall support, **as appropriate,** the establishment of cooperatives and other organizations of peasants and other people working in rural areas, and provide them with support to strengthen their position when negotiating contractual arrangements, in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity, a decent life and a sustainable livelihood.

Article 12

1. Peasants and other people working in rural areas have the right, **according to law,** to active, free, effective, meaningful and informed participation, directly and/or through their representative organizations, in the elaboration, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.

3. States shall **seek to** ensure meaningful participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes with regard to scientific research and innovation, including participation in problem identification, priority- and direction-setting, resource allocation, data identification, research, resource allocation, analysis and interpretation of findings.

4. Peasants and other people working in rural areas have the right to participate, **as appropriate**, directly and/or through their representative organizations, in the formulation of and in monitoring compliance with food safety, labour and environmental standards, whether by private or public actors.

5. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, **in conformity with law**.

6. States shall ensure, **as appropriate**, that peasants and other people working in rural areas have access to information relating to policies, programmes and projects that may affect them, in a language and form and through means that ensure the effective participation of peasants and other people working in rural areas.

European Union

Article 7

Art 7.1-3, this is example of selective quoting of the International Covenant on Civil and Political Rights; yes, these articles do apply to peasants but there is no need to repeat it, state it selectively, if it has been clearly stated in a chapeau text. If the text remains as it as, it sounds very odd in its current form and it should include wording to make clear that no one should be subject to these violations.

Art 7.4, unclear where this languages come from, does it have a place (a-e) under a chapeau on life, liberty, physical and personal security?

Article 9

Art 9.1, "choose freely place of residence" seems to ignore immigration laws.

Art 9.4, unclear where language comes from, for the moment ask for deletion of last sentence of the paragraph.

Article 10

Art 10.1, understand reference to tradition and culture but what if culture and tradition are themselves countering human rights (for example, when they propagate the exclusion of women in decision making processes?).

Art 10.2, suggest edit of para to remove "individually or collectively", same goes for 10.3; in this context inaccurate and would go beyond existing standards.

Article 11

Art 11, this article is a lot more prescriptive than needed and should be brought in line with article 22 of the International Covenant on Civil and Political Rights; or better still, as noted before, the Covenant should be referenced in chapeau in beginning.

Article 12

Art 12.1, clarify – is this about public or private sector?

Art 12.3. what about research and innovation not controlled by states?

Art 12.4. reference to private actors puts too high a burden on states; not all of the scope of this article is covered by state regulation.

FAO

Article 7 (new): Rural Youth's Rights and the Rejuvenation of the Agricultural Sector[a]

1. States shall take into account the particular problems faced by peasant youth and other youth working in rural areas and the significant roles which they play and will increasingly play in the future towards the sustainability of food systems and the economic survival of their families, communities, regions, and nation states, and shall take all appropriate measures to ensure the application of the provisions of the present Declaration to the youth.

2. In particular, States shall ensure to the youth the right:

a. to participate in the decision-making processes around, and the elaboration and implementation of development planning at all levels;

b. to access decent and productive employment and income-generating activities, both farm and non-farm, particular attention being given to the right to protection of health and safety at work, especially for youth in the age group 15-17 to protect them from falling into hazardous child labour;

c. to receive relevant types of training and education and mentorship services, formal and non-formal, including those relating to functional literacy, in order to increase their life skills, technical proficiency and entrepreneurial capacities;

d. to organise self-help groups and co-operatives and join existing cooperatives and organizations in order to obtain equal access to economic opportunities through wage employment or self-employment;

e. to access innovations and new technologies, combined with traditional knowledge, to attract and enable youth to be drivers of improvement in agriculture and food systems;

f. to participate in all community activities;

g. to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in access to and resettlement schemes regarding land and other natural and productive resources.

[a] The article is inspired by the provisions of FAO and CFS instruments that recognize the crucial role of youth in ensuring food security for the present and the future. For example, the Principles for Responsible Investment in Agriculture and Food Systems, principle 4 "Engage and empower youth"

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Article 6

2. suggested adding:

- **States should address structural causes of poverty of rural women. States should demonstrate how their fiscal policies are pro rural women.**
- **States should recognize rural women as individual right holders and not just as members of households or dependents of male breadwinners. Rural women should receive entitlements as individuals.**
- **States should reduce and redistribute women's unpaid work. To reduce women's time burden, States should provide basic rights and services which include: housing, water, sanitation, education, health, fodder, institutionalized child care facilities, energy (including domestic energy for fuel and fodder) and better technology options.**
- **States should ensure better infrastructure support for rural women's needs to reduce the day-to-day drudgery of providing for themselves and their families. This should include access to markets (labour and goods), internal roads, and transport subsidies to support rural women's mobility.**
- **States should invest in awareness raising campaigns and promote equal sharing of care and unpaid work between men and women.**

C. Articles 13 to 18

Egypt

Article 14

1. Peasants and other people working in rural areas have the right to access to, and prompt decision through, just and fair procedures for the resolution of disputes. States shall allow for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes, and should provide effective remedies, which may include a right of appeal, as appropriate. Such remedies should be enforced promptly and may include restitution, indemnity, compensation and reparation. States shall respect and promote customary approaches and other alternative dispute resolution mechanisms used by peasants and other people working in rural areas to resolve conflicts in a manner that is consistent with human rights, **and in conformity with laws in force.**

Article 15

2. States shall create an enabling environment with opportunities for work and that provides remuneration allowing for an adequate standard of living for peasants and other people working in rural areas and their families. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall establish and promote, **as appropriate,** food systems that are sufficiently labour-intensive to contribute to the creation of employment.

European Union

Article 13

Art 13.2. who would judge what is fair and impartial? How would this be done practically?

Article 14

Art 14.3. elements of this place peasants above, for example, impoverished urban population – in line with general/overarching comment made yesterday

Art 14.4. avoid perception that NHRIs should only be strengthened functioning in rural areas.

Article 15

Art 15.2. is this fair in relation to those not working in rural areas? What about those impoverished in large cities? Last sentence unclear and therefore problematic, so suggest redrafting or deletion.

Article 16

Art 16. please provide relevant ILO standards used for this paragraph so we can ensure anguage is in line.

Article 18

Art 18-2. paragraph seems to ignore the reality of a free market economy.

FAO

Article 13

1. could expressly include/emphasize **the rights to data, information and knowledge**

La Via Campesina

Article 18

Suggested adding:

- **Inclure l'obligation des États à réguler les marchés afin d'interdire l'abus de pouvoir, les positions dominantes, le dumping et les monopoles et de garantir des prix équitables et justes pour la production paysanne**
- **Ajouter les obligations des États à protéger, permettre et développer l'accès aux marchés, la commercialization, la vente directe, la production, l'échange et la production à petite échelle, à travers des normes, des critères et des instruments qui sont spécifiques et adéquats aux besoins des paysans**
- **Ajouter une référence sur le rôle des États dans l'achat et la vente de la production paysanne à des prix équitable**
- **Lorsque des subventions sont attribuées, inclure l'obligation des États à accorder la priorité aux paysans les plus modestes, ou qui habitent dans des zones plus difficiles, et en veillant que celles-ci ne nuisent pas aux producteurs d'autres pays quand les produits sont exportés**

- Inclure les obligations des États à garantir la stabilité de l'emploi et un revenu décent pour les travailleurs et les travailleurs migrants, dans le respect le plus strict des instruments nationaux et internationaux.

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Article 13

- Women should be provided full and safe access to public spaces or commons and markets.
- States should ensure equal access and participation in markets – both for labour and goods. Rural women should have opportunities to gain better skills and knowledge to participate in markets equally and for their upward mobility.
- States should monitor and regulate markets to ensure rural women receive fair prices for their products.
- Financial inclusion of rural women is very important: Concept of women-friendly bank with easy administrative processes and mobile banking available to women in remote areas.

Article 18

- States should recognize, promote and protect rural women's right to livelihoods including opportunities for employment (paid work).
- Rural women should have individual rights over productive resources (including natural resources) for sustainable livelihoods – irrespective of who they are and where they come from. States should ensure access, ownership, control and management including decision-making power of productive resources and its outputs. This includes land, water, forests, livestock, credit, energy, technology, knowledge, education, skills.
- Development agendas should recognize that rural women traditionally and historically have skills and knowledge for livelihoods that ensure food security for all.
- Ensure all benefits including agriculture subsidies are received by women equally.
- All State programmes and schemes that have provisions for livelihoods should engage rural women's collectives in this process. For example, the right to education in India provides free, compulsory primary education to all. Under this right India provides free school uniform and mid day meals to all kids. Making of these school uniforms and preparation of mid day meals should be given to rural women's collectives. This would promote rural women's livelihoods.
- Mobility is a challenge for rural women. For instance, unless there is a transportation subsidy, rural women cannot travel to access basic goods and services including education, health, employment, banking etc.
- Research in agriculture should be gender sensitive and based on women peasant needs.

- **States should prioritize rain-fed agriculture, where small and marginalized women farmers are involved. This will promote food crop, ensure food security and climate change mitigation and adoption.**

D. Articles 19 to 24

Argentina

Article 19

~~1. Los campesinos y otras personas que viven en zonas rurales tienen derecho, individual y colectivamente, a las tierras, las masas de agua, las aguas costeras, las pesquerías, los pastos y los bosques que necesitan para procurarse un nivel de vida adecuado, tener un lugar para vivir en seguridad, paz y dignidad y desarrollar sus culturas.~~

~~2. Los Estados eliminarán y prohibirán todas las formas de discriminación en relación con la tenencia de la tierra, incluidas las motivadas por un cambio de estado civil, por falta de capacidad jurídica o por falta de acceso a los recursos económicos. En particular, los Estados garantizarán la igualdad de derechos de tenencia para las mujeres y los hombres, incluido el derecho a heredar y a legar esos derechos.~~

~~3. Los Estados proporcionarán el reconocimiento jurídico de los derechos de tenencia de la tierra, incluidos los derechos consuetudinarios de tenencia de la tierra, que actualmente no están amparados por la ley. Todas las formas de tenencia, entre ellas el arrendamiento, deben proporcionar a las personas cierto grado de seguridad de la tenencia que les garantice protección jurídica frente a los desalojos forzosos. Los Estados reconocerán y protegerán el patrimonio natural y sus sistemas conexos de gestión y uso colectivo.~~

4. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a recibir protección para evitar ser arbitrariamente desplazados de sus tierras y otros recursos naturales o de su lugar de residencia habitual. Los Estados incorporarán, en la legislación nacional, medidas de protección contra los desplazamientos que sean compatibles con las normas internacionales de derechos humanos y de derecho humanitario. Los Estados prohibirán los desalojos forzosos, la demolición de viviendas, la destrucción de zonas agrícolas y la confiscación o expropiación arbitraria de la tierra y otros recursos naturales como medida punitiva o como medio o método de guerra.

5. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a regresar a la tierra y a que se les devuelva el acceso a los recursos naturales de que hayan sido privados arbitraria o ilegalmente o a recibir una indemnización justa y equitativa cuando no sea posible su regreso, **de conformidad con el sistema jurídico vigente de cada Estado soberano**. Los Estados ~~establecerán~~ **cooperarán y brindarán asistencia a los campesinos y otras personas que trabajan en las áreas rurales que hayan sido desplazados por desastres naturales y/o conflictos armados**, ~~el acceso a la tierra y a otros recursos naturales para quienes hayan sido desplazados a causa de desastres naturales o conflictos armados.~~

~~6. Los Estados concederán acceso preferencial a las pequeñas explotaciones pesqueras para que pesquen en aguas sujetas a su jurisdicción nacional. Llevarán a cabo reformas redistributivas por causas sociales, económicas y ambientales, a fin de facilitar un acceso amplio y equitativo a la tierra y otros recursos naturales, particularmente a los jóvenes, y un desarrollo rural inclusivo. Las reformas redistributivas deben garantizar el acceso a la tierra, las pesquerías y los bosques para hombres y mujeres, en condiciones de igualdad. Debería~~

~~darse prioridad a los campesinos y otros trabajadores rurales sin tierras en la asignación de tierras, pesquerías y bosques de titularidad pública.~~

7. Los Estados adoptarán medidas para la conservación y el uso sostenible a largo plazo de la tierra y otros recursos naturales, por ejemplo mediante la agroecología, y garantizarán las condiciones para que se regeneren las capacidades y los ciclos biológicos y otro tipo de capacidades y ciclos naturales.

Egypt

Article 19

1. Peasants and other people living in rural areas have the right, individually and collectively, to the lands, water bodies, coastal seas, fisheries, pastures and forests that they need in order to make from them an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

3. States shall provide, **as appropriate,** legal recognition for land tenure rights, including customary land tenure rights, not currently protected by law. All forms of tenure, including tenancy, ~~must~~ **should** provide, **as appropriate**, all persons with a degree of tenure security that guarantees legal protection against forced evictions. States shall recognize and protect the natural commons and their related systems of collective use and management.

4. Peasants and other people working in rural areas have the right to be protected against arbitrary displacement from their land and other natural resources or place of habitual residence. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law ~~standards~~ **rules**. States shall prohibit forced eviction, the demolition of houses, the destruction of agricultural areas and the arbitrary confiscation or expropriation of land and other natural resources as a punitive measure or as a means or method of war.

Article 20

1. Peasants and other people working in rural areas have the right to a safe **and** clean ~~and healthy~~ environment.

3. Peasants and other peoples working in rural areas have the right to be free from any adverse impact that climate change may have on their human rights. States shall comply with **their** international obligations to combat climate change.

4. Peasants and other people working in rural areas have the right to contribute, **as appropriate,** to the design and implementation of national and local climate change adaptation policies, including through the use of practices and traditional knowledge.

Article 21

3. States shall **seek to** provide technical assistance to peasants and other people working in rural areas in adjusting to climate change and other environmental strains and system shocks, for example by means of integrated resource management and agroecologically based extension and education programmes. States shall stimulate agroecological, organic and sustainable production whenever possible, in particular through support mechanisms, training programmes, special credit lines and mechanisms of commercialization.

4. States shall **seek to** ensure that their rural development, agricultural, environmental and trade and investment policies and programmes contribute effectively to strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production.

Article 23

2. Peasants and other people working in rural areas have, individually or collectively, the right to conserve, maintain and develop agricultural biodiversity, and the right to associated knowledge, including in crops and animal races. This includes the right to save, exchange, sell or give away the seeds, plants and animal breeds that they develop. States ~~shall~~ **should** recognize the collective use of and right to agricultural biodiversity, and the right to associated knowledge established and managed by peasants and other people working in rural areas.

8. Peasants and others working in rural areas have the right to participate, **as appropriate,** in decision-making on matters related to the conservation and sustainable use of agricultural biodiversity.

Article 24

2. In order to realize the human right to water and sanitation of peasants and other people working in rural areas, States shall **seek to** guarantee at all times

European Union

Article 19

Art. 19.1. in line with comments made previously, we would ask for amending the text of 19.1 so that it would read peasants and other people have the right … to the lands etc

Art. 19.6. in line with our general comment made on Tuesday about our view that the declaration seemingly gives people working in rural areas rights beyond those enjoyed by others, which we would want to avoid. This paragraph seems to prioritise one group, namely small-scale fishers, over the economic benefits for all citizens.

Article 24

The content of this article in our view is part of an adequate standard of living as stipulated in art. 11 International Covenant on Economic, Social and Cultural Rights, and references should therefore be in line with that article.

Food and Agriculture Organization

Article 22

1. Peasants of all regions of the world, **particularly those in centers of origin and diversity,** have made, and will continue to make, enormous contributions to the conservation and development of plant genetic resources, which constitute the basis of food and agricultural production throughout the world.

3. Peasants and other people working in rural areas have **the** right to save, store, …

4. States should take measures to respect, protect and promote traditional knowledge, **innovations and practices**[5] relevant to plant genetic resources.

8. Peasants and other people working in rural areas have the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources.[6]

9. States should take measures supporting the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops, and create strong links to participatory plant breeding to reduce the erosion of plant genetic resources and promote increased food production compatible with sustainable development.[7]

10. States should adopt measures expanding the use of local and locally adapted crops, varieties and underutilized species, with the participation of peasants and other people working in rural areas.

Centre Europe-tiers monde

Article 19

Suggested addition of new paragraph 6:

Peasants have the right to benefit from land reform and use unused land on which they depend for their livelihood. Latifundia must be forbidden. Land has to fulfill its social function. Land ceilings to landownership should be introduced whenever necessary in order to ensure equitable access to land.

Programme on Women's Economic, Social and Cultural Rights, South Asian Feminist Alliance for Economic, Social and Cultural Rights and Community Self-Reliance Centre

Article 19

- **States should undertake equitable distribution of land and water use to support livelihoods of women peasants and prevent dispossession of resources from peasants to corporations.**
- **Land and property should be either in the woman's name or under joint ownership. Single women including widows should have individual land ownership.**
- **States should develop gender sensitive land tenure context mapping at all levels.**
- **Women's group at community level should be provided with collective rights for previously unused or fallow lands.**
- **States should ensure equal and engaged participation of women in all decision making processes around issues connected to resources including land. Sates should remove barriers to ensure women's participation in all aspects of local governance and decision making.**

[5] Article 9.2a of the International Treaty on Pant Genetic Resources for Food and Agriculture, and Article 8j and 10 of the Convention on Biological Diversity.

[6] Article 9.2b of the International Treaty on Plant Genetic Resources for Food and Agriculture, and Article 5.2 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

[7] Article 6.1 of the International Treaty on Plant Genetic Resources for Food and Agriculture.

- **States should ensure independent inclusive joint monitoring committee for the security of rights of peasant and women farmers.**

E. Articles 25 to 30 and preamble

Argentina

Article 25

2. Con miras a lograr progresivamente la plena realización del derecho a la seguridad social, los Estados deberían, con arreglo a las circunstancias nacionales, **y sus respectivos ordenamientos jurídicos internos,** establecer lo antes posible o mantener unos niveles mínimos de protección social que incluyeran garantías básicas de seguridad social. Esas garantías deberían asegurar, como mínimo, que todas las personas necesitadas tuvieran, a lo largo de su vida, acceso a la atención de salud esencial y a prestaciones básicas para asegurar los ingresos, que conjuntamente les garantizaran un acceso efectivo a los bienes y servicios definidos como necesarios a nivel nacional.

Preamble

El Consejo de Derechos Humanos,

Afirmando que los campesinos y otras personas que trabajan en las zonas rurales son iguales a las demás personas y que en el ejercicio de sus derechos deberían estar libres de cualquier forma de discriminación, ~~en particular la discriminación por motivos de raza, color, sexo, idioma, religión, opinión política o de cualquier otra índole, origen nacional o social, bienes, riqueza, nacimiento o cualquier otra condición~~,

Reconociendo las contribuciones pasadas, presentes y futuras de los campesinos y de otras personas que trabajan en las zonas rurales en todas las regiones del mundo para conservar y mejorar la biodiversidad y garantizar lasoberanía alimentaria **seguridad alimentaria**, que son fundamentales para lograr los objetivos de desarrollo convenidos internacionalmente,

Convencido de que los campesinos y otras personas que trabajan en las zonas rurales deben disponer de medios para promover y emplear prácticas de producción agrícola ambientalmente sostenibles que beneficien a la Madre Tierra y estén en armonía con ella, como la capacidad biológica y natural de los ecosistemas para adaptarse y regenerarse mediante procesos y ciclos naturales,

Preocupado porque los campesinos y otras personas que trabajan en las zonas rurales sufren, ~~de manera desproporcionada,~~ pobreza y malnutrición, así como las cargas causadas por la degradación del medio ambiente y el cambio climático, y porque un número cada vez mayor de campesinos y otras personas que trabajan en las zonas rurales son desalojados o desplazados por la fuerza todos los años para dar cabida a proyectos de desarrollo a gran escala,

Destacando que las campesinas y otras mujeres rurales asumen un porcentaje desproporcionado del trabajo no remunerado y a menudo no tienen un acceso equitativo a Naciones Unidas la tierra, los recursos productivos, los servicios financieros, la información, el empleo o la protección social,

Profundamente preocupado por la proliferación de la violencia contra las mujeres y las niñas rurales, en todas sus formas y manifestaciones, a escala mundial,

Destacando que hay varios factores que dificultan que los pequeños pesadores y trabajadores de la pesca puedan hacerse oír, defender sus derechos humanos y sus derechos de tenencia, y garantizar el uso sostenible de los recursos pesqueros de los que dependen,

Reconociendo que el acceso a la tierra, al agua, a las semillas y a otros recursos naturales es cada vez más difícil para los habitantes de las zonas rurales y destacando la importancia de mejorar el acceso a los recursos productivos y a la inversión en un desarrollo rural adecuado, que incluya enfoques agroecológicos,

Teniendo en cuenta las condiciones peligrosas y de explotación en las que trabajan quienes se dedican a la agricultura, la pesca y otras actividades, que a menudo carecen de salarios mínimos vitales y de protección social,

Profundamente preocupado porque los defensores de los derechos humanos que se ocupan de cuestiones relacionadas con la tierra y los recursos naturales corren un riesgo elevado de ser víctimas de intimidación y de que se atente contra su integridad física de múltiples formas, ~~como mediante de asesinato, asesinatos, atentados, agresiones y malos tratos, criminalización y uso excesivo de la fuerza por parte de la policía y otras entidades, de carácter privado, durante manifestaciones,~~

Observando que los campesinos y otras personas que trabajan en las zonas rurales a menudo tienen dificultades para acceder a los tribunales, los agentes de policía, los fiscales y los abogados, hasta el punto de que no pueden obtener reparación ni protección inmediatas en caso de violencia, abuso y explotación,

Reconociendo que la Declaración Universal de Derechos Humanos, el Pacto Internacional de Derechos Económicos, Sociales y Culturales, el Pacto Internacional de Derechos Civiles y Políticos, la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer, la Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación Racial, la Convención Internacional sobre la Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares y la Declaración y Programa de Acción de Viena afirman la universalidad, indivisibilidad e interdependencia de todos los derechos humanos, civiles, culturales, económicos, políticos y sociales,

Recordando que, a fin de abordar las deficiencias de protección laboral y la falta de empleos dignos a los que se enfrentan los campesinos y otras personas que trabajan en las zonas rurales, la Organización Internacional del Trabajo ha elaborado un amplio conjunto de convenios y recomendaciones, y que esas normas representan los mínimos derechos que les corresponden,

Reconociendo que, para garantizar la **seguridad** ~~soberanía~~alimentaria de los pueblos, es esencial que se respeten, se protejan y se promuevan los derechos reconocidos en la presente declaración,

Afirmando que la libertad de asociación es un derecho habilitante clave para que los campesinos y otras personas que trabajan en las zonas rurales puedan unirse para tener acceso a los derechos que figuran en la presente declaración y ejercerlos libremente,

Afirmando también que, de conformidad con la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas, estos últimos, entre ellos los campesinos indígenas y otras personas indígenas que trabajan en las zonas rurales, tienen derecho a la libre determinación en lo relativo a sus asuntos internos y locales, **subrayando que nada de lo contenido en esta Declaración se entenderá en el sentido de que autoriza o fomenta acción alguna encaminada a quebrantar o menoscabar, total o parcialmente, la**

integridad territorial, o la unidad política, la soberanía y la independencia de los Estados, ni otros principios contenidos en la Carta de las Naciones Unidas.

Recordando las conclusiones de la Conferencia Mundial sobre Reforma Agraria y Desarrollo Rural y la Carta del Campesino aprobada en ella, donde se destacaba la necesidad de formular estrategias nacionales apropiadas para la reforma agraria y el desarrollo rural y de integrarlas en las estrategias nacionales generales de desarrollo,

Convencido de la necesidad de que se amplíe la protección de los derechos humanos de los campesinos y otras personas que trabajan en las zonas ~~rurales y de que se interpreten y se apliquen de forma coherente las normas y los principios internacionales de derechos humanos relativos a esta cuestión~~ **y los estándares del derecho internacional de los derechos humanos existentes en la materia**,

Subrayando que corresponde a las Naciones Unidas desempeñar un papel importante y continuo de promoción y protección de los derechos de los campesinos y de otras personas que trabajan en las zonas rurales,

Aprueba solemnemente la siguiente declaración sobre los derechos de los campesinos y de otras personas que trabajan en las zonas rurales:

Egypt

Article 26

4. In order to realize the right to health of peasants and other people working in rural areas, States shall guarantee at all times the following minimum conditions:

(a) Access to health facilities, goods and services on a non-discriminatory basis, in particular for ~~vulnerable or marginalized~~ groups **in vulnerable situations**;

Article 27

5. In order to realize the right to housing of peasants and other people working in rural areas, States shall **seek to** guarantee ~~at all times~~ the following minimum conditions:

Article 28

1. Peasants and other people working in rural areas have the right to education and training. Education and training programmes for peasants and other people working in rural areas ~~shall~~ **should** be based on their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas.

European Union

Preamble

PP4 – is there evidence to support the claim that there is greater poverty and malnutrition in rural areas than urban areas?

PP6 – we appreciate the attention of this specific paragraph to violence against women and girls. However, because this is a broader issue and not only pertains to rural women and girls, we think the paragraph would benefit from expressing a general concern about all violence against women and girls before including a specific reference to rural women.

PP8 – ask clarification on "agroecological approaches", with the source where this is taken from.

PP10 – we appreciate the spirit of this paragraph. Much in line with the comment made about PP6: the issue is wider than specifically the risks for human rights defenders working on land and natural resources issues. We would therefore prefer if the para could begin with a general reference on the risks for human rights defenders in general before paying specific attention to HR defenders working on land and natural resources issues.

PP15 – is an example of the comment we made earlier in the general statement on singling out selective parts of the covenants: freedom of association applies to peasants, but so does the whole International Covenant on Civil and Political Rights and so do the other instruments. Would it not make a lot more sense to state clearly that that is the case and then focus specifically on those elements where more work on implementation is needed?

PP20 – obviously not in the position to agree on this PP yet.

Indonesia

Article 30

Paragraphs 2 and 3 of article 27 of the declaration should be merged as paragraph 2 cannot stand alone and paragraph 3 includes qualifications. The first sentence of the merged paragraphs would read "Peasants and other people working in rural areas have the right to be protected against unlawful eviction from their home as well as against harassment and other threats".

Paragraph 2 of Article 27 should begin with the addition of: **"Peasants and other people working in rural areas have the right to be protected against unlawful eviction from home and as well as against harassment and other threats."**

Preamble

PP10. Include a reference to the Declaration on the Right to Development

PP16. Include at the end **"with respect to the territorial integrity of state".**

United States

PP2 & PP14. Please replace the term "food sovereignty" with "food security" PP3 – Please provide clarification on the phrase "should be provided with the means…" PP7 – What is meant by the term "tenure rights" in the context of an international document?

PP13. This implies that treaties to which many countries are not party represent the minimum rights under international law. Only if a principle has attained the status of customary international law (principle against torture) or is jus cogens (like genocide or war crimes) can it bind states legally – if a state is not a party to a treaty that so provides.

FAO

Article 30

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations shall contribute to the full realization of the provisions of the present declaration, including through the mobilization, ~~inter alia~~, of development assistance and cooperation, **strengthening collaboration on reporting on**

relevant SDGs indicators, supporting countries to develop the capacity of statistical systems, and ensuring meaningful disaggregation of data.

Preamble

PP2. *Recognizing* the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to conserving, **managing,** ~~improving~~ **sustainably using** biodiversity and to ensuring food sovereignty, which are fundamental to attaining internationally agreed development goals.

PP7. *Stressing* that several factors make it difficult for **artisanal and small-scale farmers, pastoralists, foresters,** fishers and fish workers to make their voices heard, defend their human rights and tenure rights, and secure the sustainable use **and management** of the ~~fishery~~ **natural** resources on which they depend.

FAO suggested adding new paragraph after list of ILO instruments:

Recalling also **that the tenure rights, access to natural resources and a number of other rights of peasants are protected by the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,[c] the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication,[f] the International Treaty on Plant Genetic Resources for Food and Agriculture,[g] the Principles for Responsible Investment in Agriculture and Food Systems,[h] and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,**

FAO suggested adding new paragraph after paragraph on labour protection gaps:

Deeply concerned **about farmers ageing around the world and youth increasingly turning their backs on agriculture due to lack of incentives and drudgery of rural life, and *recognizing* the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for the rural youth,**

Programme on Women's Economic, Social and Cultural Rights, South Asian Feminist Alliance for Economic, Social and Cultural Rights and Community Self-Reliance Centre

Article 25

- **States should provide comprehensive universal social security to all women. Rural women are mainly in subsistence forms of livelihoods and don't have income and cannot contribute towards social security. Therefore basic social security should be provided as non-contributory form.**
- **Social security benefits should be received by rural women as individual rights holders and not just as a member of a family, household or group. Their marital status should not have an impact on their entitlements.**

[c] Committee on World Food Security (CFS), 2012

[f] FAO Committee on Fisheries (COFI), 2014

[g] Adopted by FAO Conference on 3 November 2001 and entered into force on 29 June 2004

[h] CFS, 2014

[i] FAO Council, 2004

- **Social security should be universal, but not uniform, ensuring specific and multiple vulnerabilities; and special temporary measures for socially and economically excluded groups including single women, female-headed households, migrants and migrant workers; Dalit, tribal; sexual and gender minorities; women with occupational stigma and women in conflict areas.**
- **States should frame the reproductive and care role that women have as work. If a woman cannot do that work (because she is ill, disabled, etc.), she should get unemployment benefits.**
- **Poor rural women do not have documents that are generally required to apply for state benefits. Therefore, social security schemes should not require bureaucratic administrative processes that alienate women. Instead, they should strive to be women- friendly in design. Many poor rural women are illiterate and therefore information about various schemes and benefits should be given a clear, simple, women-friendly way.**